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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,702	08/09/1999	MIKE F.G. GEPPERT	SAMS01-00070	8401

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,702

Applicant(s)

GEPPERT, MIKE F.G.

Examiner

Philip J. Sobulka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 03 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-3,6-11,14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulliford et al (US 5,995,831) in view of Bernardis et al (US 4,782,517).

Consider claims 1,9, Gulliford teaches a wireless network comprising: a plurality of base station communicating with a plurality of mobile stations (Gulliford see especially fig 1, col 3, line 34- col 4, line 50) a plurality of RF transceivers capable of transmitting and receiving at least one of voice and data signals with the mobile stations (Gulliford col 1, lines 17-65); and a call control processor capable of controlling the RF transceivers comprising a first state machine capable of performing a call processing task the first state machine capable of storing a plurality of events associated with a call processing task, each of the events operable to cause the first state machine to perform a selected action, wherein the first state machine is capable of communication with a second state machine of the call control processor by storing at least one event with the second state machine. Note that since state machines at system nodes perform Gulliford's processing, call processing "events" would be associated with other state machines (Gulliford see especially col 13, line 53- col 15, line 20, col 16, lines 15-40). Gulliford lacks a teaching of the state machine having event queues. Bernardis teaches a telephone control system in which state machines use event queues (Bernardis col 23, lines 59-65). It would have been obvious to one of ordinary skill in the art to modify Gulliford to use event queues with the state machine as taught by Bernardis in order to

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ensure that successive tasks could be stored at the state machine while the present task was being executed.

As to claim 17, the system of Gulliford would perform the claimed steps.

As to claims 2,10, note the since the nodes perform control processing using state machines events would be received form other state machines (Gulliford see especially col 6, lines 41-48, col 98, line 62 – col 99, line 2).

As to claims 3, 11, note that Gulliford's state machine nodes also execute tasks in response to the operating system (Gulliford see especially col 3, lines 34-66).

As to claims 6-8,14-16,18-20, note the Gulliford's state machine responds to events based on an array and table which is a list linking events to responses (Gulliford see especially col 14, lines 45- col 16, line 40).

2. Claims 4,5,12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulliford in view of Bernardis and in view of Burt et al (US 6,308,080).

Gulliford in view of Bernardis teaches everything claimed except one of the tasks being a periodic ping message. Burt et al teaches using a periodic ping message in a power control algorithm between a base and mobile (Burt see especially col 8, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Gulliford in view of Bernardis to program the operating system to have the state machine node execute a ping message as a part of power control algorithm as taught by Burt in order to ensure that the power was maintained at an appropriate level.

Response to Arguments

3. Applicant is correct in that the rejection of claims 1-3, 6-11, 14-20 was under section 103, not section 102, the rejection heading has been corrected.

4. Applicant's arguments filed 2-25-03 have been fully considered but they are not persuasive.

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, arguing that Guilliford does not teach the use of queues with its multiple state machines, and that Bernardis does not teach the use of multiple state machines in its state machine queue teaching ignores the result of the suggested combination.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Guilliford lacks a teaching of how to address the issue of events reaching a state machine faster than the machine can handle them, therefore, Bernardis's teaching of using queue's with state

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machines in call processing would clearly be of use. It should also be noted that the use of queues in software processing could hardly be considered novel.

Conclusion

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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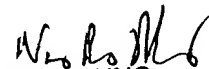
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs
May 1, 2003


NAY MAUNG
PRIMARY EXAMINER